

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-CR-224

LISA R. MUSSER,

Defendant.

ORDER DENYING MOTION TO DISMISS INDICTMENT

On August 28, 2009, Lisa R Musser (“Musser”) was charged by way of a criminal complaint with failing to register as a sex offender in violation of the Sex Offender Registration and Notification Act (“SORNA”), 18 U.S.C. § 2250. On September 9, 2009, the grand jury returned a single-count indictment alleging the charge set forth in the Complaint. Currently before the Court is the defendant’s motion to dismiss the indictment on various grounds. After full consideration of the briefs and arguments of counsel, Magistrate Judge Aaron E. Goodstein issued a recommendation to the Court that the motion be denied. The recommendation noted that all but one of Musser’s arguments had been either explicitly or implicitly rejected by the Seventh Circuit in *United States v. Dixon*, 551 F.3d 578, 581-82 (7th Cir. 2008). Musser concedes here, as she did before the magistrate judge, that *Dixon* is dispositive of all but one of the issues she has raised in her motion. The Supreme Court has recently granted certiorari in a companion case, however, and she seeks to preserve these issues for further review in the event the Supreme Court’s decision in the companion case furnishes grounds to do so.

The one remaining issue her motion raises that *Dixon* did not address is whether Musser's prosecution under SORNA violates the Commerce Clause of the United States Constitution. In his thorough recommendation, Magistrate Judge Goodstein addressed this issue and concluded that SORNA did not violate the Commerce Clause. I hereby adopt the analysis and recommendation of Magistrate Judge Goodstein and, for the reasons set forth therein, conclude that the motion to dismiss the indictment should be **denied**.

SO ORDERED this 2nd day of December, 2009.

s/ William C. Griesbach
William C. Griesbach
United States District Judge